



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,908	05/27/2005	Minoru Asogawa	8074-1041	6557
<div>465 7590 03/05/2008</div> <div>YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>			<div>EXAMINER</div> <div>SOUW, BERNARD E</div>	
			<div>ART UNIT</div> <div>2881</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>03/05/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

After-Final Response and Amendment

1. An After-Final Amendment filed 02/06/2008 in response to the Final Office Action dated 11/16/2007 has been received.

No claim has been amended, cancelled or added.

Claims 8, 9, 13-15, 17-20, 27-29, 32 and 33 have been previously cancelled.

Claims 1-7, 10-12, 16, 21-26, 30, 31 and 34-39 are pending in this office action.

2. The amendment after final rejection filed on 02/06/2008 has been entered.
3. Applicant's amendment of the Abstract filed 02/06/2008 under 37 CFR 1.116 in reply to the final rejection dated 11/16/2007 has been entered, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Rejected claim(s): 1-4, 16, 21-26, 30, 31, 34, 35, 38 and 39;

Objected claim(s): 11 and 12;

Allowed Claim(s): 5-7, 10, 36 and 37.

4. Applicant's arguments filed 02/06/2008 have been fully considered, but they are not persuasive.

- Applicant's argument that Carle's device does not have channels is unpersuasive, since otherwise no combination with Chan's invention would be required. Note, the rejection was NOT made under 35 USC §102, but under 35 USC §103.
- Applicant's argument that Chan's device includes side passages (and obstacles), and it would be based on hindsight reasoning to ignore those passages (and obstacles) and pick up only the parallel walls, is unpersuasive, because any feature in Chan's that is not required for combining with Carle's may be simply discarded. Furthermore, Chan's obstacle (and Anderson's "valve") satisfies Applicant's definition of "valve".
- Applicant's argument that a combination of Carle's and Chan's would be improper is unpersuasive, since both inventions make use of exactly the same mechanism to push forward the target molecules, i.e., the reverse field electrophoresis.

CONCLUSION

5. For the reasons stated above, claims 1-4,16, 21-26, 30, 31, 34, 35, 38 and 39 are held prima facie obvious over the cited prior arts for reasons of record.
6. Claims 11 and 12 stand objected, but remain allowable under the same conditions and for the same reasons of record.
7. Claims 5-7, 10, 36 and 37 remain allowable.

Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw, Ph.D., whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571 272 2293. The central fax phone number for the organization where this application or proceeding is assigned is 571 273 8300 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 5993.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/B. E. S./
Examiner, Art Unit 2881
February 25, 2008

Application/Control Number: 10/536,908

Page 5

Art Unit: 2881

/ROBERT KIM/

Supervisory Patent Examiner, Art Unit 2881